

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

vs.

DIANA FREY

CRIMINAL NO.

INDICTMENT

18 U.S.C. § 2

18 U.S.C. § 1343

Forfeiture Allegation

11 CR 91-0
2011 JUL 20 AM 10:25
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST DIV CINCINNATI

FILED
JAMES BONINI
CLERK

JOHNSON

THE GRAND JURY CHARGES THAT:

COUNT 1
(Wire Fraud)

1. At all times relevant to this Indictment, defendant **DIANA FREY** has been the elected President of a labor union of approximately 800 City of Cincinnati employees called the Cincinnati Organized and Dedicated Employees ("CODE"). CODE is funded primarily by union dues deducted from union employees' paychecks. Defendant Frey has been the President of CODE since its inception in 2005.

2. From 2005 to in or about June, 2011, in the Southern District of Ohio and elsewhere, the defendant, **DIANA FREY**, knowingly and wilfully devised and attempted to devise a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses, representations, and promises from CODE, and, for the purpose of executing such scheme and artifice and attempting to do so, transmitted and caused to be transmitted by means of wire communication in interstate commerce writings, signs, signals, pictures, and sounds.

3. It was a part of the scheme and artifice to defraud that between 2005 and

approximately June, 2011, Defendant **DIANA FREY** took funds of approximately \$757,000 from CODE when she fraudulently and without authority caused CODE to pay funds by checks, direct wire transfers, ATM withdrawals, and credit card purchases to Defendant **FREY**'s various bank accounts or for the Defendant's personal benefit. As part of the scheme and artifice, Defendant **FREY** then misrepresented the CODE finances to the other CODE officers and members.

3. On or about September 8, 2008 and September 15, 2008, for the purpose of executing and attempting to execute the aforesaid scheme and artifice in the Southern District of Ohio and elsewhere, Defendant **DIANA FREY** transmitted and caused to be transmitted by means of wire communication in interstate commerce, writings, signs, signals, pictures, and sounds in that she caused CODE to make a wire transfer in interstate commerce from the union's CINCO Credit Union banking account in the amounts of \$4000.00 and \$5000.00, respectively, to a bank account controlled by Defendant **FREY** at CINCO Credit Union, account x5112.

In violation of 18 United States Code, Sections 1343 and 2.

FORFEITURE ALLEGATION

Upon conviction of Wire Fraud, in violation of 18 U.S.C. § 1343, as alleged in Count One of the Indictment, defendant **DIANA FREY** shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including but not limited to, a sum of money in the amount of \$757,009.82 representing the amount of proceeds obtained as a result of the wire fraud scheme.

SUBSTITUTE ASSETS

If any of the property described above in the Forfeiture Allegation, as a result of any act or

omission of the defendant, **DIANA FREY**:

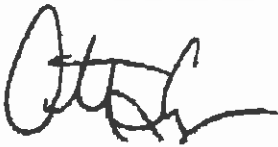
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

A TRUE BILL.

5/
GRAND JURY FOREPERSON

**CATER M. STEWART
UNITED STATES ATTORNEY**



**ANTHONY SPRINGER
CINCINNATI BRANCH CHIEF**